REMARKS / ARGUMENTS

Claims 32-41 and 44-51 remain pending in this application. Claims 28-31, 42-43 and 52-53 have been canceled without prejudice or disclaimer. No new claims have been added.

English Language Translation

Applicants submit herewith a verified English language translation of the priority application. Acknowlegement is hereby requested.

Priority

Applicants appreciate the Examiner's acknowledgment of the claim for priority and safe receipt of the priority document.

Claim Objections

The claims have been amended to overcome the Examiner's objection to the use of acronyms such as NFS and CIFS. Furthermore, the Examiner's objection under 37 CFR §1.75 identifying certain claims as allegedly being substantial duplicates of other claims is hereby avoided by the present amendment, without admitting to the propriety of such objection.

35 U.S.C. §112, First and Second Paragraphs

The rejection of claims 28 and 52 has been rendered moot by the cancellation of those claims without prejudice or disclaimer. Claims 39 and 41 each disclose a file access request to access a file in a first system and a file access request to request a file in a second system. It is submitted that these portions are adequately clear in the claims with respect to the first and second systems.   The term "received" has been removed from claim 39.   The Examiner is hereby invited to contact the undersigned by telephone with any further questions.

Finally, the claims have been amended to recite that the policy is set by an application creating the file. Support for this recitation was pointed out by the Examiner in the Office Action, citing specification page 22, lines 16-18. Therefore, it is submitted that the claims are adequately supported and enabled.

35 U.S.C. § 103

Claims 28-53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Leung et al (U.S. Pre-Grant Publ. No. 2004/0039891) in further view of Collins et al (U.S. Pre-Grant Publ. No. 2003/0065873) and Noveck et al (U.S. Patent No. 6,757,695). The Examiner also cites Edsall et al (U.S. Pre-Grant Publ. No. 2004/0139167) on page 8. These rejections are traversed as follows.

The '891 publication to Leung et al is not prior art. A verified translation of the foreign priority document accompanies this Amendment in order to remove Leung et

al '891 as a reference. However, Leung et al '891 is a continuation-in-part of

application Serial No. 10/232,875, which was published as U.S. 2003/0046270 (the

'270 publication). The '270 publication is of record in the present application and

was used in previous rejections. As explained to the Examiner at a previous

interview, the '270 publication discloses a system having plural types of storage

devices (NAS) diskarray, tape, etc., as disclosed in [0031]. A data management

server (DMS) 194 decides a file location from among the plural storage devices

according to storage policy information 128, device characteristic information 130

and data characteristic information 132. When the file location is decided, the file is

migrated and/or stored in the decided location.

However, the '270 publication does not disclose that a policy is set by the

application creating the file using an open request for storing the file. Instead,

according to the '270 publication, storage policies 28 may be configured by a system

administrator (see [0021] lines 12-14, [0029] lines 12-14 and [0030] lines 9-10).

Since the policy is set by the application creating the file using an open request,

according to the presently claimed invention, it is possible to set policy on a file-by-

file basis according to requirements of applications creating files. This is an

advantage that cannot be realized in the prior art.

Furthermore, in an environment in which files in a system are accessed by

plural hosts, as described in Fig. 1 of the present application, if a system

administrator has to set policies such as that disclosed in the '270 publication, the

system administrator needs to receive the various requirements for file migration

from each of the plurality of hosts and set policies according to such requirements.

On the other hand, according to the presently claimed invention, since the policies

can be set from each computer by using an open request, it is not necessary for the

administrator to receive requirements for file migration.

The remaining cited references fail to cure the deficiencies of the '270

publication. For example, Collins et al disclose that when predetermined thresholds

are satisfied, data are reallocated based on the category of the data. The system

includes a host 100, storage devices 110-112 attached to the host, and a network

storage device 130 coupled to the host via a network 120 (see Fig. 1 and [0018]).

Data in the storage devices are categorized based on the file name, file size, and/or

the application creating the file (see [0029]-[0031]). Categorized data is checked

against thresholds for the various categories and reallocated if the thresholds are

met (see [0045]). The thresholds are preferably predetermined or provided as

defaults, but the user or system administrator may modify them via a user interface

shown in Fig. 4 (see [0046]). As such, it should be clear that Collins et al are silent

regarding setting policy by an application creating the file using an open request.

Noveck et al was merely relied upon for disclosing a volume and a file access

controller. Edsell et al is relied upon for disclosing a FS and CIFS protocol. These

references, whether taken individually or in combination, also fail to cure the
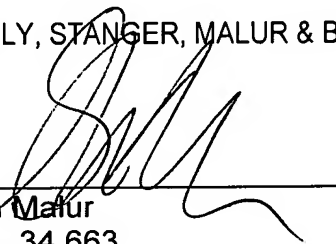
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deficiencies of the primary references. As such, it is submitted that the pending

claims patentably define the present invention over the cited art.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of

Allowance be issued in this case.

Respectfully submitted,

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